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09/825,588	04/03/2001	Mazen Chmaytelli	010042	3724

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
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EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/825,588

Applicant(s)

CHMAYTELLI ET AL.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vossler, Marran, Tiedemann, Jr. et al., Axelson et al., Moles et al., Chang et al., Park, & Dorenbosch et al.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayley et al. in view of Hsu et al.

1. Regarding Claim 1, Bayley disclosed A method of constructing a wireless telephone (100; fig.1) , comprising operations of:  
providing wireless telephone circuitry including storage (112; fig.1);  
providing processing circuitry (104; fig.1);

Bayley disclosed installing a recall program in the storage. However, Hsu teaches in an analogous art, that installing a recall program in the storage, the recall program comprising a program of machine-readable instructions executable by the processing circuitry to perform

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operations to automatically uninstall (upgrading; col.7; 62 – col.8; 12) one or more application programs contained in the storage responsive the telephone detecting a remote recall command. (col.7; 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include installing a recall program in the storage in order to provide an arrangement in a digital wireless communications system for downloading updated software to a digital wireless telephone.

2. Regarding Claim 2, Bayley disclosed The method of claim 1, further comprising operations of: downloading one or more application programs to the storage. (17-37; col.6)

3. Regarding Claim 3, Bayley disclosed all the particulars of the claim except the telephone wirelessly downloading the recall program from a remote server. However, Hsu teaches in an analogous art, that The method of claim 1, wherein the installing operation comprises: the telephone wirelessly downloading (downloading; col.7; 62 – col.8; 12) the recall program from a remote server. (col.7; 6-17) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the telephone wirelessly downloading the recall program from a remote server in order to reduce the large number storage in the mobile station.

4. Regarding Claim 4, Bayley disclosed A method of operating a wireless telephone (100; fig.1) including storage (112; fig.1), processing circuitry (104; fig.1),

Bayley disclosed installing a recall program in the storage. However, Hsu teaches in an analogous art, that installing a recall program in the storage, the recall program comprising a

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program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall (upgrading; col.7; 62 – col.8; 12) one or more application programs contained in the storage responsive to the telephone detecting a remote recall command. (col.7; 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include installing a recall program in the storage in order to provide an arrangement in a digital wireless communications system for downloading updated software to a digital wireless telephone.

5. Regarding Claim 5, Bayley disclosed all the particulars of the claim except the wireless telephone receiving a recall command via a wireless network. However, Hsu teaches in an analogous art, that The method of claim 4, the uninstalling operation comprising: the wireless telephone receiving a recall command via a wireless network, the recall command identifying at least one application program and containing instructions to uninstall (upgrading; col.7; 62 – col.8; 12) the identified application program; automatically responsive to the recall command, the wireless telephone uninstalling the identified application program. (col.7; 6-17) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the wireless telephone receiving a recall command via a wireless network in order to reduce the large number storage in the mobile station.

6. Regarding Claim 6, Bayley disclosed all the particulars of the claim except receiving a recall message containing instructions to obtain the recall command from a recall command source. However, Hsu teaches in an analogous art, that The method of claim 5, operation of receiving the

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recall command comprising: receiving a recall message containing instructions to obtain the recall command from a recall command source, and obtaining the recall command from the recall command source. (col.13; 4-18) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include receiving a recall message containing instructions to obtain the recall command from a recall command source in order to access particular application for program.

7. Regarding Claim 7, Bayley disclosed all the particulars of the claim except polling messages. However, Hsu teaches in an analogous art, that The method of claim 5, operation of receiving the recall command further comprising: the telephone sending one or more polling messages to a recall command source prompting the recall command source to transmit the recall command. (col.13; 4-18) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include polling messages in order to update the data for the memory location.

8. Regarding Claim 8, Bayley disclosed all the particulars of the claim except the identified application programs being resident upon the wireless telephone. However, Hsu teaches in an analogous art, that The method of claim 5, the identified application programs being resident upon the wireless telephone. (col.7; 6-17) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the identified application programs being resident upon the wireless telephone in order to provide localization of the memory location.

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9. Regarding Claim 9, Bayley disclosed all the particulars of the claim except the wireless telephone receiving a recall command via a wireless network. However, Hsu teaches in an analogous art, that The method of claim 5, wherein: the operations further comprise the telephone referencing a local database to determine whether the identified application program resides in the storage; the uninstalling (upgrading; col.7; 62 – col.8; 12) operation comprises uninstalling application programs determined to reside in the storage. (col.7; 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include installing a recall program in the storage in order to provide to prepare a message sequence that defines memory location in the mobile station to be changed.

10. Regarding Claim 10, Bayley disclosed A method for recalling one or more application programs resident upon a wireless telephone (100; fig.1), comprising operations of:

Bayley disclosed installing a recall program in the storage. However, Hsu teaches in an analogous art, that installing a recall program in the storage, the recall program comprising a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall (upgrading; col.7; 62 – col.8; 12) one or more application programs contained in the storage responsive the telephone detecting a remote recall command. (col.7; 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include installing a recall program in the storage in order to provide an arrangement in a digital wireless communications system for downloading updated software to a digital wireless telephone.

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11. Regarding Claim 11, Bayley disclosed all the particulars of the claim except a recall command. However, Hsu teaches in an analogous art, that The method of claim 10, further comprising: responsive to the recall commands, the wireless telephones uninstalling (upgrading; col.7; 62 – col.8; 12) the identified application programs. (col.7; 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a recall command in order to provide to prepare a message sequence that defines memory location in the mobile station to be changed.

12. Regarding Claim 12, Bayley disclosed A method of constructing a wireless telephone (100; fig.1) , comprising operations of:  
providing wireless telephone circuitry including storage (112; fig.1);  
providing processing circuitry (104; fig.1);

Bayley disclosed installing a recall program in the storage. However, Hsu teaches in an analogous art, that installing a recall program in the storage, the recall program comprising a program of machine-readable instructions executable by the processing circuitry to perform operations to automatically uninstall (upgrading; col.7; 62 – col.8; 12) one or more application programs contained in the storage responsive the telephone detecting a remote recall command. (col.7; 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include installing a recall program in the storage in order to provide an arrangement in a digital wireless communications system for downloading updated software to a digital wireless telephone.



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13. Regarding Claim 13, Bayley disclosed The module of claim 12, the processing circuitry comprising application-specific integrated circuitry. (col.3; 59-65)

14. Regarding Claim 14, Bayley disclosed The module of claim 12, further comprising: a download client configured to download one or more application programs to the storage. (17-37; col.6)

15. Regarding Claim 15, Bayley disclosed all the particulars of the claim except the wireless telephone receiving a recall command via a wireless network. However, Hsu teaches in an analogous art, that The method of claim 12, the uninstalling operation comprising: the wireless telephone receiving a recall command via a wireless network, the recall command identifying at least one application program and containing instructions to uninstall (upgrading; col.7; 62 – col.8; 12) the identified application program; automatically responsive to the recall command, the wireless telephone uninstalling the identified application program. (col.7; 6-17) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the wireless telephone receiving a recall command via a wireless network in order to reduce the large number storage in the mobile station.

16. Regarding Claim 16, Bayley disclosed all the particulars of the claim except receiving a recall message containing instructions to obtain the recall command from a recall command source. However, Hsu teaches in an analogous art, that The method of claim 15, operation of receiving the recall command comprising: receiving a recall message containing instructions to

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obtain the recall command from a recall command source, and obtaining the recall command from the recall command source. (col.13; 4-18) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include receiving a recall message containing instructions to obtain the recall command from a recall command source in order to reduce the large number storage in the mobile station.

17. Regarding Claim 17, Bayley disclosed all the particulars of the claim except polling messages. However, Hsu teaches in an analogous art, that The method of claim 15, operation of receiving the recall command further comprising: the telephone sending one or more polling messages to a recall command source prompting the recall command source to transmit the recall command. (col.13; 4-18) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include polling messages in order to update the data for the memory location.

18. Regarding Claim 18, Bayley disclosed all the particulars of the claim except the identified application programs being resident upon the wireless telephone. However, Hsu teaches in an analogous art, that The module of claim 15, further comprising one or more application programs resident in the storage. (col.6; 1-10) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the identified application programs being resident upon the wireless telephone in order to provide localization of the memory location.

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19. Regarding Claim 19, Bayley disclosed all the particulars of the claim except the wireless telephone receiving a recall command via a wireless network. However, Hsu teaches in an analogous art, that The method of claim 15, wherein: the operations further comprise the telephone referencing a local database to determine whether the identified application program resides in the storage; the uninstalling (upgrading; col.7; 62 – col.8; 12) operation comprises uninstalling application programs determined to reside in the storage. (col.7; 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include installing a recall program in the storage in order to provide to prepare a message sequence that defines memory location in the mobile station to be changed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu. (6:30-4:00) alternate Fri.( 6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad K. Rampuria  
August 7, 2003

  
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